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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/600,682	06/20/2003	Don R. Burns	LA-5336-111US/10305919	6735
167	7590	05/17/2006	EXAMINER	
FULBRIGHT AND JAWORSKI LLP 555 S. FLOWER STREET, 41ST FLOOR LOS ANGELES, CA 90071			WUJCIAK, ALFRED J	
			ART UNIT	PAPER NUMBER
			3632	

DATE MAILED: 05/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/600,682

Applicant(s)

BURNS, DON R.

Examiner

Alfred Joseph Wujciak III

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4,6-11,13-15 and 24-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 24 is/are allowed.
- 6) ☒ Claim(s) 1-4,6-11,13,14,25 and 28 is/are rejected.
- 7) ☒ Claim(s) 15,26 and 27 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

This is the first Office Action for the serial number 10/600,682, SYSTEM FOR MOUNTING A FLAT PANEL DISPLAY, filed on 6/20/03.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-4, 6-11, 13-14, 25 and 28 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent # 6,484,944 to Hokugoh.

Hokugoh teaches a mounting system comprising a mounting plate (11) including a first surface portion and the mounting plate being adapted to mount to a supporting structure. The system includes a support arm (13,14, 57a-57b) including an outward extending radial flange (53) at a first end. The radial flange abuts the first surface portion of the mounting plate. The system includes a cover (15) including an aperture (61) and the cover is being affixed to the mounting plate with the radial flange disposed therebetween. The mounting plate and the cover being adapted to exert axial pressure on the radial flange to prevent the support arm from unwanted rotation relative to the mounting plate and the cover (col. 4, lines 33-37). The support

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arm having a second end that extends through the aperture. The first portion includes an elevated shoulder (23d). The support arm is rotatable about an axis relative to the mounting plate, the axis being defined by the radial flange. The axial pressure is adjustable. The support arm comprises an articulating arm (13), the articulating arm comprising at least one joint (43a). The articulating arm includes a first arm segment/flat panel display bracket (42, 42a) rotatably affixed to a second arm segment (41a) at the at least one joint. The mounting plate includes a second surface portion (bottom) including two or more mounting holes (24d) therethrough.

In regards to claim 3, Hokugoh teaches a mounting system comprising a mounting plate (11) including a first surface portion and the mounting plate being adapted to mount to a supporting structure. The system includes a support arm (13, 14, 57a-57b) including an outward extending radial flange (53) at a first end. The radial flange abuts the first surface portion of the mounting plate. The system includes a cover (15) including an aperture (61) and the cover is being affixed to the mounting plate with the radial flange disposed therebetween. The mounting plate and the cover being adapted to exert axial pressure on the radial flange to prevent the support arm from unwanted rotation relative to the mounting plate and the cover (section 0043). The support arm having a second end that extends through the aperture. The first portion includes an elevated shoulder (23d). The system includes a flat panel display bracket (13) rotatably affixed to the second end of the support arm.

Allowable Subject Matter

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Claims 15 and 26-27 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 24 is allowed.

In regards to claims 15 and 26-27, the prior art fails to teach the combination with articulating arm comprises a first arm segment rotatably affixed to a second arm segment at the at least one joint. In regards to claim 24, the prior art fails to teach the flat panel display bracket rotatably affixed to a second of the arm segments.

Response to Arguments

Applicant's arguments with respect to claims 1-4, 6-11, 13-15 and 25-28 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alfred Joseph Wujciak III whose telephone number is (571) 272-6827. The examiner can normally be reached on 8am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on (571) 272-6815. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Alfred Joseph Wujciak III

Examiner

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A handwritten signature in black ink, appearing to read 'A. J. Wujciak III', with a stylized flourish at the end.

12/28/05